

**Director's Report and Recommendation –  
Amendments to the Land Use Code  
Related to the Development of a Light Rail Transportation System in Seattle  
July 6, 2004**

**INTRODUCTION**

The Department of Planning and Development (DPD) is proposing to amend the City's Land Use Code to clarify the permit approval process for construction of light rail facilities. The Land Use Code amendments are based on practical issues and experience as the process of permitting the light rail system gets underway. Specifically, Land Use Code requirements have not properly addressed the design and construction of facilities in areas where street level use requirements and transparency limits apply. Further, requirements for design review are unclear, as is the authority of the Director of DPD to modify or waive development requirements when necessary for the proper siting or functioning of a facility. Additional amendments are proposed to address issues related to construction worker parking provided at construction staging areas, and to specify the conditions applicable to temporary parking areas and ensure that it is removed and the site restored when construction is complete.

**ANALYSIS AND RECOMMENDATIONS**

In June of 2000, the Council approved legislation that established a permit review process for permanent light rail transit facilities. The amendments were necessary to permit light rail facilities that are regulated by the Land Use Code and to anticipate the impacts of the new transportation system on surrounding uses and neighborhoods. Light rail transit facilities are permitted as discretionary land use decisions within the City's land use decision framework (Type II), subject to appeal to the City's Hearing Examiner.

Prior to the establishment of a permit process for permanent light rail facilities, the Council approved terms and conditions for allowing long-term temporary uses, such as construction staging and materials storage necessary for the construction of the light rail system. Temporary construction activities are anticipated to continue for the next six years.

Permitting activities related to light rail construction are ongoing. As Sound Transit completed the final design of the light rail system, three significant issues arose where the application of the Land Use Code caused significant problems for light rail transit operation and frustrate goals for the Sound Transit system .

1. Pine Street Vent Shaft--When the Sound Transit project was modified to build the south portion of the alignment as a first phase of the system, an extension of the Downtown Seattle Transit Tunnel (DSST) under Pine Street (stub tunnel) became necessary. The Pine Street stub tunnel is an interim condition that

allows trains in the tunnel to turn around at the north end of Downtown during joint bus/train use of the tunnel. The stub tunnel allows the North Link light rail to be constructed with minimal disruption of the DSTT tunnel. A crucial element of the Pine Street stub tunnel is a vent shaft and emergency access structure needed to address fire and life safety issues. The vent shaft is located on Sound Transit owned land on the southwest corner of Pine & Terry Streets.

While the vent shaft is allowed as a use (as an Essential Public Facility), its location in a pedestrian area of downtown along Pine Street requires that certain street-level retail sales and service uses be incorporated as part of the structure's design. This site will be required in the future for North Link light rail construction, with the long-term goal of developing a transit oriented development that incorporates the vent shaft into the structure and will provide opportunities for future pedestrian elements as contemplated in the Land Use Code. Until that time, it is not practical or desirable to incorporate a retail street-front into development of the vent shaft. The current design of the vent shaft facility was reviewed by the Light Rail Review Panel and City staff during design review of proposed light rail facilities.

**Recommendation:** Exempt Link light rail facilities from requirements for street level uses in pedestrian designated areas.

2. Beacon Hill Station Design--The Beacon Hill light rail station was re-designed in 2002/2003 in response to concerns raised by the community. While the Beacon Hill station facade has been designed with significant modulation and visual interest, and the station plaza is proposed to be landscaped and includes art elements; the transparency standards of the Land Use Code, addressing visibility into a structure, that would apply to a commercial street front at this site would be incompatible with the station function and design. The station at this location is mostly under ground and the site would be occupied by a "head house" containing elevators and other equipment that are deliberately screened in the design, while additional facade space is used for ticket vending machines, informational signs and other elements of interest to riders of the transit system. This issue is raised at other locations where stations are proposed underground and the surface structure is a transit rider access and information facility. The design of the Beacon Hill station facility and "head house" was reviewed by the Light Rail Review Panel and by City staff.

**Recommendation:** Exempt light rail transit facilities from limits on blank façades and transparency standards of Section 23.47.050 of the Land Use Code, where the imposition of such a requirement would not "permit the proper functioning of the facility" and where the negative impacts of the blank façade are attenuated by other measures under the design guidelines for Link Light Rail developed by the City and the applicant.

3. Temporary Construction Facilities--One of the City's primary goals for light rail station areas was to discourage long-term automobile parking in the form of park & rides, hide & rides, and long-term commuter parking. However, in constructing light rail facilities, Sound Transit is required to mitigate the impact of construction on surrounding uses and residents including providing temporary parking for construction crews. The Land Use Code requires that all parking be built according to standards established in the Land Use Code relating to aisle and driveway widths, parking space sizes, and access and exiting. Building to Code standards and providing accessible parking and standard sized parking spaces for temporary construction parking lots increases the amount of parking area Sound Transit needs to acquire/provide. In addition, parking lots (improved with landscaping, curbing, lighting, etc) may be more difficult to remove once construction is completed--working against the City's goals for transit-oriented development around light rail stations, and the removal of temporary construction facilities, and site restoration.

**Recommendation:** Exempt light rail transit facility construction and staging areas from required parking space standards and require that all temporary facilities used for the construction of the light rail facility or system, including parking uses, be terminated or removed, and the site restored, when construction is complete.

4. Design Review--The Council established the Light Rail Review Panel (LRRP) in 1998 for the purpose of providing an integrated review of the Ling light rail project's design. The panel is composed of nine member; three each from the City's Design, Planning, and Arts Commissions. Over the past few years LRRP has played an indispensable role in evaluating the design of Sound Transit facilities.

The City's Design Review Program is part of the Land Use Code. The Code establishes a process in which projects that exceed established thresholds must undergo a design review under the City's Citywide and Neighborhood Design Guidelines, where applicable. The role of the LRRP in the design review of light rail transit facilities is not addressed. Light rail facilities are not intended to be subject to design review under the City's design review process for multifamily and commercial development.

**Recommendation:** Expressly exempt light rail transit facilities from design review, when they have been subject to review by the LRRP.

5. MUP requirements--In establishing a permit application and review process for light rail facilities, the Land Use Code was amended to establish conditions under which Sound Transit is required to apply for a Master Use Permit as opposed to approval from the Seattle Department of Transportation (SDOT). It was necessary to identify the circumstances when a MUP was required and how the Land Use Code applied in those circumstances. The Land Use Code is not

expressly clear with regard to elevated guideway structures. While it was intended that guideway structures be reviewed by SDOT, it is believed necessary to amend the Land Use Code to ensure that it is clear that additional MUP review of the guideway structures does not duplicate SDOT's role and review.

**Recommendation:** Make explicit that light rail tracks and supporting structures are exempt from Master Use Permit requirements.

6. Waiver or Modification of development standards--High capacity transportation systems and infrastructure are unique developments for which traditional development standards and zoning requirements are not always applicable or appropriate. As noted previously, features of zoning such as required street level uses, transparency requirements, and design review have only limited applicability to these facilities. However, they help to understand what issues need to be addressed in order to build a system that is sensitively designed and an asset in the neighborhoods in which they are located. Light rail facilities are important public investments in our neighborhoods and worthy of careful review under guidelines specifically designed to address their exceptional and distinctive character.

Likewise, development standards that address height, bulk and scale, or other relationships of new development to its surroundings, may or may not be appropriate for light rail facilities. Where light rail facilities are otherwise subject to design review under the LRRP, and where the nature of a facility's siting and function would support its exemption from a Code requirement, it is necessary to allow such flexibility. The amendments made to the Land Use Code to establish a permitting process for light rail facility construction implied, but did not expressly identify a process by which the City could waive or modify development standards that may apply to a light rail transit facility. Subject to reasonable criteria, it is advisable to allow such flexibility to support the efficient and timely development of a light rail system in Seattle.

**Recommendation:** Establish criteria to guide decisions in which development standards applicable to light rail transit facilities could be modified or waived, and the circumstances under which conditions could be imposed to lessen the negative impacts of the facility. The following criteria for allowing modification or waiver of a development standard are proposed:

- \* Its necessary to allow the siting and proper functioning of a light rail transit facility;
- \* It will lessen environmental impacts of a light rail transit facility;
- \* It would allow the accommodation of future development opportunity on the site.

## **CONCLUSION**

The approval of these proposed amendments to the Land Use Code would address issues and clarify circumstances for which experience in reviewing permit applications for light rail transit facilities have highlighted a need for changes. Light rail facilities are essential public facilities under the Land Use Code. Siting and operating them so that they are safe and convenient for their intended public function implies the need to be flexible in accommodating their unique structural requirements in ways that may not apply to a typical building's construction. Under the state's Growth Management Act, essential public facilities are those facilities that are often difficult to site, but are indispensable elements of an integrated system of public infrastructure necessary for the public's welfare and to maintain a high degree of livability in our city.

For these reasons it is recommended that the proposed amendments to the Land Use Code relating to the permitting of light rail transit facilities be approved.